



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 11, 1995

Ms. Tamara Armstrong
Assistant County Attorney
Travis County
P.O. Box 1748
Austin, Texas 78767

OR95-1070

Dear Ms. Armstrong:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 36137.

Travis County (the "county") received a request for sheriff department rules, regulations, policies and guidelines regarding the pursuit of traffic violators and procedures administered by department peace officers in the apprehension of such alleged violators. You say the county will release the requested information to the requestor. However, based on sections 552.103 and 552.111 of the Government Code, the county seeks to withhold from required public disclosure an investigative report that "the requestor could conceivably want."¹

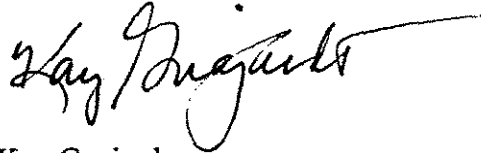
To secure the protection of section 552.103(a), a governmental body must demonstrate that requested information "relates" to a pending or reasonably anticipated judicial or quasi-judicial proceeding. Open Records Decision No. 588 (1991). We conclude that the county has established that the report at issue relates to pending litigation. Accordingly, the county may withhold the report from required public disclosure based on section 552.103 of the Government Code. See Open Records Decision No. 551 (1990).²

¹You also state that the county does not have some of the requested information. The Open Records Act does not require the creation of new information.

²We note that if the opposing parties in the pending litigation have seen or had access to any of the information in these records, there would be no justification for now withholding that information

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Guajardo
Assistant Attorney General
Open Records Division

KHG/rho

Ref.: ID# 36137

Enclosures: Submitted documents

cc: Mr. John A. Medrano
Paralegal to Jerri Lynn Ward
Mullen, MacInnes & Redding, Ltd.
812 San Antonio, 6th Floor
Austin, Texas 78701
(w/o enclosures)

(Footnote continued)

from the requestor pursuant to section 552.103(a). Open Records Decision Nos. 349 (1982), 320 (1982). In addition, the applicability of section 552.103(a) ends once the litigation has been concluded. Attorney General Opinion MW-575 (1982); Open Records Decision No. 350 (1982).